

1-1 By: Van Arsdale, et al. (Senate Sponsor - Fraser) H.B. No. 1602  
1-2 (In the Senate - Received from the House April 26, 2007;  
1-3 April 27, 2007, read first time and referred to Committee on State  
1-4 Affairs; May 14, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 14, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1602 By: Fraser

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to venue in civil actions under the Jones Act.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 15.018, Civil Practice and Remedies  
1-13 Code, is amended to read as follows:

1-14 Sec. 15.018. FEDERAL EMPLOYERS' LIABILITY ACT [~~AND JONES~~  
1-15 ~~ACT~~]. (a) This section only applies to suits brought under the  
1-16 federal Employers' Liability Act (45 U.S.C. Section 51 et seq.) [~~or~~  
1-17 ~~the Jones Act (46 U.S.C. Section 688)]~~.

1-18 (b) All suits brought under the federal Employers'  
1-19 Liability Act [~~or the Jones Act~~] shall be brought:

1-20 (1) in the county in which all or a substantial part of  
1-21 the events or omissions giving rise to the claim occurred;

1-22 (2) in the county where the defendant's principal  
1-23 office in this state is located; or

1-24 (3) in the county where the plaintiff resided at the  
1-25 time the cause of action accrued.

1-26 SECTION 2. Subchapter B, Chapter 15, Civil Practice and  
1-27 Remedies Code, is amended by adding Section 15.0181 to read as  
1-28 follows:

1-29 Sec. 15.0181. JONES ACT. (a) In this section:

1-30 (1) "Coastal county" means:

1-31 (A) a county in a coastal area, as defined by  
1-32 Section 33.004, Natural Resources Code; or

1-33 (B) a county having a United States Customs port  
1-34 through which waterborne freight is transported.

1-35 (2) "Coastal erosion" means the loss of land, marshes,  
1-36 wetlands, beaches, or other coastal features because of the actions  
1-37 of wind, waves, tides, storm surges, subsidence, or other forces.

1-38 (3) "Erosion response project" means an action  
1-39 intended to address or mitigate coastal erosion, including beach  
1-40 nourishment, sediment management, beneficial use of dredged  
1-41 material, creation or enhancement of a dune, wetland, or marsh, and  
1-42 construction of a breakwater, bulkhead, groin, jetty, or other  
1-43 structure.

1-44 (4) "Gulf Coast state" means Louisiana, Mississippi,  
1-45 Alabama, or Florida.

1-46 (5) "Inland waters" means the navigable waters  
1-47 shoreward of the navigational demarcation lines dividing the high  
1-48 seas from harbors, rivers, the Gulf Intracoastal Waterway, and  
1-49 other inland waters of Texas, Louisiana, Mississippi, Alabama,  
1-50 Arkansas, Tennessee, Missouri, Illinois, Kentucky, or Indiana or of  
1-51 Florida along the Gulf of Mexico shoreline of Florida from the  
1-52 Florida-Alabama border down to and including the shoreline of Key  
1-53 West, Florida. The term does not include the Great Lakes.

1-54 (b) This section applies only to suits brought under the  
1-55 Jones Act (46 U.S.C. Section 688).

1-56 (c) Except as provided by this section, a suit brought under  
1-57 the Jones Act shall be brought:

1-58 (1) in the county where the defendant's principal  
1-59 office in this state is located; or

1-60 (2) in the county where the plaintiff resided at the  
1-61 time the cause of action accrued.

1-62 (d) If all or a substantial part of the events or omissions  
1-63 giving rise to the claim occurred on the inland waters of this

state, ashore in this state, or during the course of an erosion response project in this state, the suit shall be brought:

(1) in the county in which all or a substantial part of the events giving rise to the claim occurred; or

(2) in the county where the defendant's principal office in this state is located.

(e) If all or a substantial part of the events or omissions giving rise to the claim occurred on inland waters outside this state, ashore in a Gulf Coast state, or during the course of an erosion response project in a Gulf Coast state, the suit shall be brought:

(1) in the county where the defendant's principal office in this state is located if the defendant's principal office in this state is located in a coastal county;

(2) in Harris County unless the plaintiff resided in Galveston County at the time the cause of action accrued;

(3) in Galveston County unless the plaintiff resided in Harris County at the time the cause of action accrued; or

(4) if the defendant does not have a principal office in this state located in a coastal county, in the county where the plaintiff resided at the time the cause of action accrued.

SECTION 3. The change in law made by this Act applies only to an action commenced on or after the effective date of this Act. An action commenced before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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